

SPECIAL CLAIMS

Convention signed at México April 24, 1934, supplementing convention of September 10, 1923, as modified

Senate advice and consent to ratification June 15, 1934

Ratified by Mexico November 23, 1934

Ratified by the President of the United States November 27, 1934

Ratifications exchanged at México December 13, 1934

Entered into force December 13, 1934

Proclaimed by the President of the United States December 22, 1934

*Terminated January 2, 1945*¹

49 Stat. 3071; Treaty Series 878

CONVENTION COVERING THE EN BLOC SETTLEMENT OF THE CLAIMS PRESENTED BY THE GOVERNMENT OF THE UNITED STATES TO THE COMMISSION ESTABLISHED BY THE SPECIAL CLAIMS CONVENTION CONCLUDED SEPTEMBER 10, 1923

The United States of America and the United Mexican States, desiring to settle and adjust amicably the claims comprehended by the terms of the Special Claims Convention concluded by the two Governments on the 10th day of September, 1923,² without resort to the method of international adjudication provided by the said agreement, have decided to enter into a Convention for that purpose, and to this end have nominated as their Plenipotentiaries:

The President of the United States:

The Honorable Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico, and

The President of the United Mexican States:

The Honorable José Manuel Puig Casauranc, Secretary of State for Foreign Affairs

¹ Date of final payment by Mexico.

² TS 676, *ante*, p. 941.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The claim of the United States of America covered by the Special Claims Convention of September 10, 1923, shall be adjusted, settled and forever thereafter barred from further consideration, by the payment by the Government of Mexico to the Government of the United States of a sum of money which shall equal the same proportion of the total amount claimed by the United States in all such cases (after the deductions provided for in Article IV hereof), as the proportion represented—in respect to the total sum claimed by the Governments of Belgium, France, Germany, Great Britain, Italy and Spain—by the total amount found to be due from the Mexican Government in the settlement of similar claims and under the conventions concluded with those Governments by the Government of Mexico during the years from September 25, 1924 to December 5, 1930.

To determine said general average percentage resulting from the settlements with said countries for similar claims, the classic arithmetical procedure shall be used, that is to say, the total amount awarded to Belgium, France, Germany, Great Britain, Italy and Spain shall be multiplied by one hundred and the product shall be divided by the total amount claimed by said countries.

Having thus determined the general average percentage, in order to ascertain the amount that Mexico should pay to the United States, said percentage shall be multiplied by the total amount claimed by the United States (after the deductions provided for in Article IV of this Convention) and the resulting products shall be divided by one hundred.

ARTICLE II

The amount provided for in Article I above shall be paid at Washington, in dollars of the United States, at the rate of 500,000.00 (five hundred thousand dollars) per annum, beginning January 1, 1935, and continuing until the whole amount thereof shall have been paid.

ARTICLE III

Deferred payments, by which term is meant all payments made after January 2, 1935, shall bear interest at the rate of one-fourth of one percent per annum for the first year counting from January 1, 1935, and an additional one-fourth of one percent for each additional year until the maximum of one percent is reached which shall be applied beginning January 1, 1939. In the event of failure to make annual payments when due, however, this rate shall be increased at the rate of one-fourth of one percent per annum on the

amount of deferred payments during the period of any such delay until a maximum additional rate of three percent on such overdue amounts is reached.

ARTICLE IV

In computing the total amount of claims mentioned in Article I above, there shall be deducted from the total amount of all special claims filed by the United States under the terms of the Special Claims Convention of September 10, 1923, the following items:

First: Claims decided.

Second: One-half of the amount represented by the total claimed in all cases in which the same claim has been filed twice, either for the same or for different amounts, with the Special Claims Commission.

Third: From the claims registered for the same reason with both Commissions, there shall be deducted the total amount of all claims that in fact or apparently should have registered only with the General Claims Commission established by the Convention of September 8, 1923.³

The determination, by the representatives of both Governments referred to in Article V of this Convention, of claims that ought to be withdrawn from the Special Commission because in fact or apparently they should have been registered only with the General Commission for presentation and adjudication, does not prejudice the jurisdiction in and validity of said claims, which shall be determined in each case when examined and adjudicated by the Commissioners or Umpire in accordance with the provisions of the General Claims Convention of September 8, 1923 and the Protocol of April 24, 1934,⁴ or the Special Claims Convention of September 10, 1923, and the Protocol of June 18, 1932,⁵ in the event it shall be found by the Commissioners or Umpire to have been improperly eliminated from the Special Claims settlement. In the latter event, the claims improperly eliminated in the opinion of the Commissioners or Umpire, shall be settled and adjusted by the same en bloc procedure prescribed by this Convention for all claims registered with the Special Commission.

ARTICLE V

The total amount of the special claims of the United States, as well as the deductions to be made therefrom, in accordance with Article IV above, and the proportionate amount thereof to be paid in accordance with Article I above, shall be determined by a Joint Committee consisting of two members, one to be appointed by each Government, whose joint report, after due conference and consideration, shall be accepted as final.

³ TS 678, *ante*, p. 935.

⁴ EAS 57, *post*, p. 1008.

⁵ *Ante*, p. 970.

ARTICLE VI

It is agreed that, for the purpose of facilitating a proper distribution by the United States to the respective claimants of the amount to be paid as provided for herein, the Mexican Government shall deliver to the United States, upon request, all evidence in its possession bearing upon the merits of particular claims and to procure, at the cost of the United States, such additional evidence as may be available in Mexico and as may be indicated by the Government of the United States to be necessary to the proper adjudication of particular claims, leaving to the judgment of the Mexican Government the furnishing of originals or certified copies thereof and with the specific reservation that no documents shall be delivered which owing to their nature cannot be furnished by said Government.

ARTICLE VII

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitution, such ratifications being exchanged in Mexico City as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate, in English and Spanish, at Mexico City this 24th day of April 1934.

JOSEPHUS DANIELS	[SEAL]
PUIG	[SEAL]